IN THE

Supreme Court of the United States

OCTOBER TERM, 1971
No. 71-118

MASSILLON-CLEVELAND-AKRON SIGN CO.,

Petitioner,

vs.

GOLDEN STATE ADVERTISING CO., INC.; ALBERT A. GOLD; and McCOY-GOLD MERCHANDISING, INC.,

Respondents.

AMICUS CURIAE BRIEF OF THE GENERAL TIRE & RUBBER COMPANY SUPPORTING THE PETITION FOR WRIT OF CERTIORARI

The Interest of the *Amicus Curiae*

Your movant, The General Tire & Rubber Company, an Ohio corporation, located in Akron, Ohio, is the owner of numerous patents and has been involved in extensive patent litigation. It has, in good faith, entered into many settlement agreements in recent years, some after prolonged trial but before final decision, others after commencement of suit but before trial, and still others after charges of infringement but without commencement of suit.

These settlement agreements which involve in the aggregate several millions of dollars, include in many instances covenants not to contest validity of the patents involved.

Brief

The issue presented in the petition for writ of certiorari is understood to be essentially:

Can patent controversies be finally settled by agreements which will be binding on the parties.

Such agreements in many cases cannot be truly final and binding unless they include a covenant by the accused infringer not to contest validity.

Unless a reasonable balance is reached between the well established and soundly based policy favoring settlements of controversies, and the recently asserted policy favoring judicial review of controversies involving the validity of patents, the volume of patent litigation is likely to increase greatly, at a tremendous cost to the parties, and more importantly with a heavy burden on the already crowded courts.

Grant of the writ and review of this important issue are respectfully requested.

Motion

Leave to file the foregoing brief is respectfully requested.

Dated: October 1, 1971.

Respectfully submitted,

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